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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,961	08/02/1999	SPENCER A. RATHUS	660-013	2485

7590 07/16/2003

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EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/365,961

Applicant(s)

RATHUS ET AL.

Examiner

Thien M. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 168-199, 201, 202, 204, 206, 207 and 209-252 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 168-199, 201-202, 204, 206-207, 209-252 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on 5/2/2003 has been entered. Claims 168-199, 201-202, 204, 206-207, 209-245, and newly added claims 246-252, are presented for examination.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following claimed features must be shown or the should features canceled from the claims. No new matter should be entered.

Claim 170, the memory which is a magnetic disk.

Claim 171, the memory which is a PCMCIA card.

Claim 172, the memory which is a RAM.

Claim 173, the memory which is a cache.

Claim 174, the memory which is a CD-ROM.

Claim 175, the memory which is a DVD.

Claim 176, the memory which is housed on a remote server.

Claim 178, the data link which is a telephone line.

Claim 179, the data link which is a computer network.

Claim 180, the data link which is an ISDN network.

Claim 181, the data link which is an Ethernet network.

Claim 182, the data link which is a CATV line.

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Claim 183, the data link, which is a wireless network.

Claim 184, the video display.

Claim 185, the audio transducer.

Claim 186, the flat panel display.

Claim 190, the display which comprises a PC.

Claim 191, the display which comprises a portable PC.

Claim 192, the display which comprises a PDA.

Claim 193, the display which comprises an Internet appliance.

Claim 194, the display which comprises a cellular phone.

Claim 195, the display which comprises a wireless communication device.

Claim 196, the wireless network.

Claim 198, the Internet.

Claim 207, the scanner.

Claim 209, the voice recognition device.

Claim 210, the CCD camera.

Claim 211, the PC camera.

Claim 212, the keyboard.

Claim 213, the mechanical mouse device.

Claim 214, the optical or digital mouse device.

Claim 246, the printed matter comprising a magnetic code.

Claim 247, the magnetic strip reader.

Claim 248, the printed matter comprising a watermark.

Claim 250-251, the digital water mark and the digital water mark reader.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Restrictions & Elections

This application contains claims directed to the following patentably distinct species of the claimed invention:

Claim 170, the memory which is a magnetic disk.

Claim 171, the memory which is a PCMCIA card.

Claim 172, the memory which is a RAM.

Claim 173, the memory which is a cache.

Claim 174, the memory which is a CD-ROM.

Claim 175, the memory which is a DVD.

Claim 176, the memory which is housed on a remote server.

Claim 178, the data link which is a telephone line.

Claim 179, the data link which is a computer network.

Claim 180, the data link which is an ISDN network.

Claim 181, the data link which is an Ethernet network.

Claim 182, the data link which is a CATV line.

Claim 183, the data link, which is a wireless network.

Claim 184, the video display.

Claim 185, the audio transducer.

Claim 186, the flat panel display.

Claim 190, the display which comprises a PC.

Claim 191, the display which comprises a portable PC.

Claim 192, the display which comprises a PDA.

Claim 193, the display which comprises an Internet appliance.

Claim 194, the display which comprises a cellular phone.

Claim 195, the display which comprises a wireless communication device.

Claim 196, the wireless network.

Claim 198, the Internet.

Claim 207, the scanner.

Claim 209, the voice recognition device.

Claim 210, the CCD camera.

Claim 211, the PC camera.

Claim 212, the keyboard.

Claim 213, the mechanical mouse device.

Claim 214, the optical or digital mouse device.

Claim 246, the printed matter comprising a magnetic code.

Claim 247, the magnetic strip reader.

Claim 248, the printed matter comprising a watermark.

Claim 250-251, the digital water mark and the digital water mark reader.

It is noted that the species requirements include the claim numbers since the drawings lack support for these features (also see drawings objections).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 168, 199, 246, 248, and 249 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Remarks

The examiner has been of the view that the specific type of memory, network, display, feature recognition devices (i.e. magnetic, CD, DVD, RAM, PCMCIA, ISDN, Internet, PC, portable PC, PDA....). However, applicant's arguments have been citing the criticality of each of these limitations. Since each of the aforementioned limitations is critical, the limitations constitute different embodiments and drawings which are subjected to specie restriction/election requirement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Le, Thien Minh
Primary Examiner
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July 14, 2003